IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

(1) CRIMINAL APPLICATION NO.4200 OF 2005
WITH
(2) CRIMINAL APPLICATION NO.4201 OF 2005
WITH
(3) CRIMINAL APPLICATION NO.4202 OF 2005
WITH
(4) CRIMINAL APPLICATION NO.4203 OF 2005
WITH
(5) CRIMINAL APPLICATION NO.4204 OF 2005

M/s.Gupta Live Stock Breeding
and Research Farm and Anr. ..Applicants

Vs.

State of Maharashtra & Anr. ...Respondents

....

Mr. Amol V.Doijode Advocate for Applicant
Mr. Vivekanand Gupta for Respondent no.1
Mr. V.B.Konde-Deshmukh, A.P.P. for the
State in Cri.Appl.Nos. 4200 and 4201 of 2005.
Ms. S.V.Gajare A.P.P. for State in
Cri.Appl.Nos.4202, 4203 and 4204 of 2005.

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 5,2005

P.C.

1. Heard the learned advocate for the applicant, learned advocate for respondent no.1 and the

learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai in C.C.Nos.78/S/2003, 79/S/2003,80/S/2003, 81/S/2003 and 82/S/2003. In the said cases, the process was issued under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the

applicant makes a statement that the necessary revision will be preferred within a period of six weeks from today. In view of the statement made by the learned advocate for the applicant, the proceedings before the trial Court are stayed for a period of six weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties. The learned advocate for the respondent-original complainant fairly states that no objection will be raised in respect of delay in filing the revision before the Sessions Court.

6. All the five Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]